

Guzik, David J., D.O.

THIS IS A  
NON DISCIPLINARY  
ORDER

**FILED**

OCTOBER 27, 2009

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

In the Matter of:

DAVID J. GUZIK, D.O.

CONSENT ORDER REINSTATING  
LICENSE WITH CONDITIONS

This matter was reopened before the New Jersey State Board of Medical Examiners (the "Board"), upon the Board's receipt of a petition from respondent David Guzik, D.O., seeking reinstatement of his license to practice medicine and surgery in the State of New Jersey. On September 2, 2009, respondent appeared, *pro se*, before a Preliminary Evaluation Committee of the Board, and then offered testimony in support of his petition for reinstatement. Respondent was accompanied by Louis E. Baxter, M.D., Executive Medical Director of the Professional Assistance Program (the "PAP"), who also offered testimony, on behalf of the PAP, supporting respondent's petition.

By way of background, respondent voluntarily surrendered his New Jersey medical license pursuant to the terms of a Consent Order filed on November 7, 2008.<sup>1</sup> As recounted therein, respondent

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It should be noted herein that respondent was the subject of a prior action by the Board, unrelated to his use of alcohol. Specifically, respondent was charged, in a seven count administrative complaint filed on April 7, 2005, with having prescribed controlled dangerous substances in excessive dosages and

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had been a participant in the PAP since February 2007, had tested positive for alcohol consumption in July and August 2008, and had admitted that he resumed drinking while he was closing his medical practice. Upon entry of the Consent Order, the Board accepted the voluntary surrender of respondent's medical license. The Order provided that respondent could seek to apply for reinstatement of license, provided that he first demonstrated, to the Board's

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frequencies to seven patients and with having failed to maintain adequate patient records. That action was settled upon entry of a Consent Order on December 20, 2007, pursuant to which Dr. Guzik's license was suspended for a period of three years, three months of which was to be active and the remainder stayed to be a period of probation. The Order required, among other items, that Dr. Guzik cease and desist from prescribing CDS until he first completed a focused evaluation on CDS prescribing, and then completed any recommended course-work. Dr. Guzik was also required to pay costs of approximately \$45,000 and a fine of \$10,000.

Dr. Guzik completed a focused evaluation of his CDS prescribing skills conducted by Richard Jermyn, D.O. Upon completion of the focused evaluation, Dr. Jermyn recommended that Dr. Guzik be allowed to resume CDS prescribing. A second Consent Order was then filed on September 25, 2008, which Order modified the terms of the Initial Order so as to allow Dr. Guzik to resume prescribing CDS upon receipt of approvals and permits from New Jersey and the federal Drug Enforcement Agency. The Order required that Dr. Guzik was to thereafter submit charts (of patients for whom he prescribed Schedule II or III CDS) for Board review for a period of three years following the reinstatement of his prescribing privileges. Dr. Guzik has not presently submitted any charts for Board review, as the voluntary surrender of his license occurred before he would have been required to have submitted any charts for Board review. The entry of the within Order in no way effects or alters any of the extant conditions or limitations imposed upon Dr. Guzik in either of the two prior Consent Orders, and Dr. Guzik will, upon resumption of practice, remain responsible to comply with the previously agreed upon conditions for submission of his charts for Board review detailed in the September 25, 2008 Order.

satisfaction, fitness to resume practice.<sup>2</sup>

The Board has presently considered the testimony of Dr. Guzik and Dr. Baxter, and documents submitted by the PAP in support of Dr. Guzik's petition for reinstatement, to include confidential reports from Dr. Guzik's treating therapist, Thomas DiPaola, LCSW, and his treating physician, Laurie Deerfield, D.O. Both Mr. DiPaola and Dr. Deerfield opined that Dr. Guzik was fit to resume the practice of medicine, although Dr. Deerfield recommended that he should presently avoid solo medical practice because it had been too stressful for him previously.

The PAP additionally submitted a position statement supporting Dr. Guzik's petition for reinstatement. Therein, the PAP reported that Dr. Guzik completed the Princeton House Behavioral Health Intensive Outpatient Program in November 2008, and that all subsequent random urine screens (which have been collected on a random, twice weekly basis) have been negative. The PAP also reported that Dr. Guzik had been an active participant in

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The Order specifically provided that Dr. Guzik could apply for reinstatement of his license upon "(a) demonstrated compliance with all of the terms imposed by the PAP; (b) submission by Dr. Guzik to the PAP and the Board of the circumstances under which he proposes to resume practice (i.e., desired practice setting); (c) submission of the recommendation of Dr. Louis Baxter, Executive Medical Director of the PAP; and (d) submission of reports from each of Dr. Guzik's treating physicians and therapists, .... and/or any other relevant documentation." The Order additionally required that Dr. Guzik was to appear and testify before a Committee of the Board and then make an adequate demonstration of fitness to resume practice.

the program, to include meeting with a clinical member of the PAP staff on a monthly basis, attending at least three meetings a week of the support group Alcoholics Anonymous, and obtaining treatment from Mr. DiPaolo and Dr. Deerfield. The PAP urged that the Board reinstate Dr. Guzik's license, provided that any reinstatement were with conditions designed to ensure that respondent continues to receive treatment and monitoring for his prior substance abuse (to include requirements that Dr. Guzik continue to fully participate with the PAP, continue to attend meetings of Alcoholics Anonymous, continue in treatment with Dr. Deerfield and Mr. DiPaola, and continue to be subject to random urine monitoring).

Upon consideration of all available information, the Board is satisfied that Dr. Guzik has made the required demonstration of fitness to resume practice, as it now appears that he has maintained sobriety for a period of greater than ten months, and it appears that he is presently in stable recovery. The Board thus being satisfied that the public health, safety and welfare will be adequately protected by the entry of the within Order, and being further satisfied that good cause exists for the entry of the within order,

IT IS on this 27TH day of OCT. , 2009

ORDERED and AGREED:

1. The license of respondent David Guzik, D.O., to practice medicine and surgery in the State of New Jersey is hereby

reinstated, conditioned on Dr. Guzik's compliance with all terms of this Order.

2. Dr. Guzik shall continue to maintain enrollment in and fully participate with the PAP.

3. Dr. Guzik shall maintain absolute abstinence from all psychoactive substances, including alcohol, unless prescribed by a treating physician for a documented medical condition with notification of the diagnosis and treatment plan from the treating physician to the Executive Medical Director of the PAP.

4. Dr. Guzik shall continue to regularly attend the support group, Alcoholics Anonymous, and shall attend a minimum of three meetings per week.

5. Dr. Guzik shall continue to be subject to random, twice weekly urine monitoring, to be conducted by the PAP, for a minimum period of one year following the entry of this Order. Thereafter, the frequency of urine monitoring may be reduced to a frequency deemed to be appropriate by the Executive Medical Director of the PAP, based on Dr. Guzik's length of time in recovery. Notification of any reduction in frequency of urine monitoring shall be provided by the PAP to the Board.

6. The PAP shall provide quarterly status reports to the Board on Dr. Guzik's compliance with all monitoring requirements and/or conditions placed on his practice by the PAP, and attesting to his compliance with all conditions of this Order.

7. The PAP shall provide immediate notification to the Executive Director of the Board in the event that the PAP receives any evidence suggesting that Dr. Guzik has relapsed into substance use, failed to comply with any of the terms of this Order, and/or failed to comply with the monitoring plan and/or any recommendations made by the PAP.

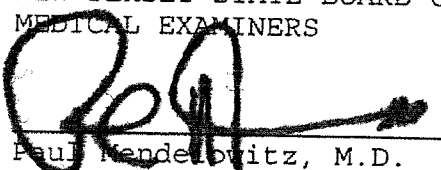
8. Dr. Guzik shall only practice medicine in a group practice setting, which setting shall be required to be pre-approved by the Board. Dr. Guzik shall be required to secure a designated physician monitor, who shall also be required to be pre-approved by the Board. The monitoring physician shall be required to submit quarterly written reports to the Board regarding Dr. Guzik's general practice, and to submit an immediate report to the Board in the event that he or she were to obtain any information that suggests or evidences that Dr. Guzik has relapsed into alcohol or any other substance use, or any information that Dr. Guzik's continued medical practice placed any patient's at risk.

9. Dr. Guzik shall remain responsible to comply with all terms of the Consent Order which was filed by the Board on September 25, 2008, to include the requirement set forth in paragraph 2 thereof that, "beginning on the date of reinstatement of his CDS prescribing privileges, Dr. Guzik shall submit to the Board for review randomly selected medical charts in which he has prescribed Schedule II or III CDS to a patient pursuant to the

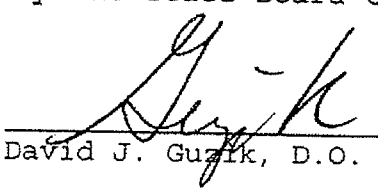
following schedule: (a) during the first twelve (12) month period following reinstatement he shall provide ten (10) charts every two (2) months; (b) during the second twelve (12) month period following reinstatement he shall provide ten (10) charts every three (3) months; and (c) during the third and final twelve (12) month period following reinstatement he shall provide ten (10) charts every four months."

NEW JERSEY STATE BOARD OF  
MEDICAL EXAMINERS


By:

  
Paul Mendelovitz, M.D.  
Board President

I represent that I have read and understand the terms and conditions of this Order, and consent to the entry of the Order by the State Board of Medical Examiners

  
David J. Guzik, D.O.

Consent provided on behalf of the PAP to provide all monitoring services and reporting required pursuant to the terms of this Order.

  
Louis E. Baxter, M.D.  
Executive Medical Director  
Professional Assistance Program